

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	Subcategory Docket: 06-11337-PBS
)	
THIS DOCUMENT RELATES TO)	Judge Patti B. Saris
)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., No. 07-CV-</i>)	
<i>11618-PBS; U.S. ex rel. Ven-A-Care of the</i>)	
<i>Florida Keys, Inc. v. Dey, Inc. et al., No. 05-</i>)	
<i>11084-PBS; U.S. ex rel. Ven-a-Care of the</i>)	
<i>Florida Keys, Inc., et al. v. Boehringer</i>)	
<i>Ingelheim Corp., et al., No. 07-10248-PBS</i>)	

**DEFENDANTS' MOTION TO COMPEL RELIEF ON OUTSTANDING
DELIBERATIVE PROCESS PRIVILEGE ISSUES**

Defendants Abbott Laboratories, Inc., Dey, Inc. and the Roxane Defendants (collectively, "Defendants") respectfully move this Court for relief on several outstanding issues relating to the Government's assertion of the deliberative process privilege in the above-captioned cases. Fact discovery cannot be completed until this Court or, alternatively, a special master, resolves these important issues. The outstanding issues, and Defendants' requests for relief on those issues, are set forth at the beginning of the memorandum filed in support of this motion.

Dated: December 31, 2008

/s/ R. Christopher Cook

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CERTIFICATE OF SERVICE

I, Brian J. Murray, an attorney, hereby certify that I caused a true and correct copy of the foregoing to be served on all counsel of record electronically by causing same to be posted via LexisNexis, this 31st day of December 2008.

/s/ Brian J. Murray_____

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I certify that the moving party has attempted to communicate with counsel for the Government in an effort to resolve the disputes referred to in this motion. Counsel for the Government, however, has failed to respond to Defendants' repeated attempts to confer on the disputed issues.

/s/ David S. Torborg _____
David S. Torborg